

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, California 95814



December 4, 2000

ALL-COUNTY LETTER NO. 00-81

TO: ALL COUNTY WELFARE DIRECTORS  
ALL IHSS PROGRAM MANAGERS

**REASON FOR THIS TRANSMITTAL**

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

**SUBJECT: ESTABLISHING AN EMPLOYER OF RECORD FOR IN-HOME  
SUPPORTIVE SERVICES (IHSS) PROVIDERS**

**REFERENCE: AB 1682, SB 288, ACL 98-20, ACL 99-62, ACL 00-36, ACL 00-68**

The purpose of this All-County Letter (ACL) is to provide counties with additional instructions related to the implementation timetable requirement of Assembly Bill (AB) 1682 (Chapter 90, Statutes of 1998). This letter also provides information about Senate Bill (SB) 288 (Chapter 445, Statutes of 2000) that imposed new rules for AB 1682 IHSS advisory committees.

**AB 1682**

AB 1682 enacted Section 12302.25 of the Welfare and Institutions Code (WIC). Section 12302.25 requires the State to develop a timetable for implementation of the AB 1682 requirement that counties establish an employer of record for IHSS program providers by January 1, 2003. This letter is a follow-up to ACL 99-62, which required counties to periodically submit additional AB 1682 implementation status information to the Department until final certification of compliance from each county. An implementation status survey form is attached to this letter. Counties are requested to fully complete and submit the survey by January 1, 2001 to:

California Department of Social Services  
Adult Programs Branch  
Policy Development Unit  
744 P Street, M.S. 19-96  
Sacramento, CA 95814

**SB 288**

Counties should also be aware of SB 288 (Chapter 445, Statutes of 2000) which amended WIC, Section 12301.3 and 12301.4. SB 288 establishes the following rules

for the IHSS advisory committees required by AB 1682:

- A county with an IHSS caseload of less than 500 must include at least one current or former IHSS provider on their IHSS advisory committee.
- A county with an IHSS caseload of 500 or more must include at least two current or former IHSS providers on the committee.
- Individuals representing organizations that advocate for people with disabilities, and seniors or from community based organizations that advocate on behalf of home care employees may be members of an AB 1682 advisory committee.
- No more than one county employee may be appointed to an AB 1682 Advisory Committee.
- Any county employee may be designated by the county to give advice and support to the county's IHSS advisory committee.

Counties that established a governing body as provided in WIC, Section 12301.6(b) before July 1, 2000, are exempt from these rules. In addition to the above, SB 288 restricts the State to reimbursing counties for the administrative costs of only one advisory committee. This would be an issue in a county with a Public Authority that has an advisory committee if the county were considering establishing a second committee for the purposes of AB 1682. Under SB 288 the State could only fund one committee.

#### **ACLs 00-36 and 00-68**

The Department recently released ACL 00-36, May 19, 2000, and ACL 00-68, September 20, 2000, with the intent of resolving county questions concerning the implementation of AB 1682. If there are concerns that were not addressed in either ACL, or regarding this letter, please direct them to your Adult Programs Operations and Technical Assistance Analyst at (916) 229-4000.

Sincerely,

*Original Signed By  
Donna L. Mandelstam on 12/4/00*

DONNA L. MANDELSTAM  
Deputy Director  
Disability and Adult Programs Division

Attachment

## JANUARY 2001 REPORT ON ESTABLISHING EMPLOYER OF RECORD

County \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

1. Has your county certified to the establishment of an AB 1682 employer of record for your IHSS providers in your county? \_\_\_\_\_Yes \_\_\_\_\_No

If your answer is yes, please complete only item 5 and return the signed attachment to the address provided.

2. Has your County Board of Supervisors enacted a resolution to establish an AB 1682 advisory committee? \_\_\_\_\_Yes \_\_\_\_\_No

If yes, when? Date \_\_\_\_/\_\_\_\_/\_\_\_\_

If not, by what date do you expect the county Board of Supervisors to enact a resolution? Date \_\_\_\_/\_\_\_\_/\_\_\_\_

3. What is the status of filling the membership of the advisory committee?

\_\_\_\_Will start on: Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
 \_\_\_\_Will be completed on: Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
 \_\_\_\_Was completed on: Date \_\_\_\_/\_\_\_\_/\_\_\_\_

4. Does the advisory committee have a director or manager?

\_\_\_\_\_Yes \_\_\_\_\_No  
 If yes, provide the name and telephone Name \_\_\_\_\_  
 Telephone ( ) \_\_\_\_\_

5. Please provide the names of the AB 1682 advisory committee members and check which members are current or former providers or recipients of personal assistance services and which organization(s) the member represents, if any:

Committee Member	Provider	Recipient	Organization Represented

6. Has there been a date set for a recommendation from the AB 1682 advisory committee to the Board of Supervisors to establish an employer of record for your county's IHSS providers? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, what is that date? Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

7. If the AB 1682 advisory committee has already made a recommendation, or a decision is imminent regarding the mode, please advise us of that mode.

8. Will your county provide resources or staff support for the AB 1682 advisory committee? \_\_\_\_\_ Yes \_\_\_\_\_ No

Please list these resources and/or staff support:

---

---

---

---

---

9. Does the AB 1682 advisory committee have an established budget for this fiscal year?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If so, please provide us a copy.

10. What issues or concerns have you encountered in establishing an employer of record:

---

---

---

---

---

---

---

Completed by \_\_\_\_\_ Telephone ( ) \_\_\_\_\_

Please return to:

California Department of Social Services  
Adult Programs Branch  
Policy Development Unit  
744 P Street, M.S. 19-96  
Sacramento, CA 95814